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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,311	12/04/2003	Ed Stengel	16155-US	1310
23553	7590	12/10/2007	EXAMINER	
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CANADA			12/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/707,311	STENGEL, ED	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thanh-Truc Trinh	1795	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-13 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/06/2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 10-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sooferian (US Patent 6932489) in view of website "Stanford Area Trails" and further in view of Chien (PGPub 20020003697)

Regarding claims 16 and 12, as seen in Figures 1-10, Sooferian discloses a portable solar powered stepping stone for powering an external device such as another stepping stone (See Figure 9 and col. 8 lines 13-18). Sooferian's stepping stone comprises a massive body having a flat base (surface 14) for setting on the ground so that the massive body maintains a stable position with the base in contact with the ground, wherein the massive body has an interior cavity (32 as seen in Figure 4) and an irregular shape resembling a natural rock (or a stepping stone); an exposed flat solar electricity-producing panel (40) located on external surface portion to generate an electrical current in the presence of solar radiation; a rechargeable battery (storage member 42) located in the interior cavity and connected to the solar panel (See col. 5 line 47-53); a DC outlet (108 or 110 as seen in Figure 9); a regulator (sensor 46) located in the interior cavity. It is the Examiner's position that a stepping stone is an irregular shape resembling a natural rock, and the sensor 46 is a regulator since it is used for sensing light in order to turn on or off the light source 48 (See col. 6 lines 44-54). It is also the Examiner's position that the output of a solar cell is DC output. Sooferian further teaches mounting the base (or lower surface 14) on the earth surface. (See col. 6 lines 26-38)

Sooferian does not specifically teach the massive body has an external surface portion in the form of a planar face angled upwardly at an angle of about 45°, or the

solar panel being angled upwardly at an angle of about  $45^{\circ}$ . Sooferian also does not teach that the power outlet is for pluggably receiving the power cord or the external device and providing DC power from the rechargeable battery to power the external device.

Website "Stanford Trails" teach an earthy pathway (or trail) can have a slope of  $45^{\circ}$ . (See last paragraph on page 4 and picture on page 5)

Chien teaches a solar power light source for outdoor lighting driven by direct current (or DC), wherein terminals such as pin, plug, press-tight contact, snap-tight contact are used to connect with electric signal. (See claims 11 and 16). Chien also teaches the one outdoor lighting device can be used to power other external lighting device as seen in Figure 1A.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the stepping stone of Sooferian by providing a DC outlet that is pluggable for external device as taught by Chien, because it would provide a tight contact so as to build up the electrical connection. (See paragraph 0017).

It would certainly have been obvious to one skilled in the art that, as the stepping stone is placed on a  $45^{\circ}$  sloping pathway (or trail) as taught by website "Stanford Trails", the planar face of the stepping stone would have angled upwardly at an angle of  $45^{\circ}$  and the solar electricity-producing panel would also have angled upwardly at an angle of about  $45^{\circ}$ .

Regarding claims 10-11, Sooferian teaches the stepping stone can be made of synthetic material such as plastic. (See col. 2 lines 58-63)

Regarding claim 13, Sooferian discloses the surface portion is flat. (See Figures 1-10)

2. Claims 12-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien (PGPub 20020003697) in view of website "Stanford Area Trails".

Regarding claims 16 and 12, as seen in Figure 1-C, Chien discloses a portable solar powered step stone comprises a massive body having a flat base for setting on the ground so that the massive body maintains a stable position with the base in contact with the ground, wherein the massive body has an interior cavity and an irregular shape resembling a natural rock (a step stone); an exposed flat solar electricity-producing panel located on external surface portion to generate an electrical current in the presence of solar radiation; a rechargeable battery located in the interior cavity and connected to the solar panel; a regulator (or a circuit) located in the interior cavity. It is the Examiner's position that a stepping stone is an irregular shape resembling a natural rock. Chien further teaches a lighting device can be connected to other external lights (See Figure 1A and paragraph 0016). Chien also teaches that the output of solar power is direct current or DC and the terminals can be pin, plug, press-tight contact, snap-tight contact in order to connect with electric signals. (See claims 11 and 16)

Chien does not specifically teach the massive body of the step stone in Figure 1-C has an external surface portion in the form of a planar face angled upwardly at an angle of about 45°, or the solar panel being angled upwardly at an angle of about 45°.

Website "Stanford Trails" teach a pathway (or trail) can have a slope of 45°. (See last paragraph on page 4 and picture on page 5)

It would have been obvious to one skilled in the art that, as the stepping stone is placed on a 45° sloping path (or trail) as taught by website "Stanford Trails", the planar face of the step stone of Chien would have angled upwardly at an angle of 45° and the solar electricity-producing panel would also angled upwardly at an angle of about 45°.

Regarding claim 13, Chien discloses the surface portion containing the solar panel is flat. (See Figures 1-C)

3. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien (PGPub 20020003697) in view of website "Stanford Area Trails" and further in view of Sooferian (US Patent 6932489).

Chien and Website "Stanford Area Trails" discloses a portable garden power supply (a step stone) as described in claim 16.

Neither Chien nor the Website teaches the massive body of the portable garden power supply made of synthetic material or plastic.

Sooferian teaches the step stone can be made of synthetic material such as plastic. (See col. 2 lines 58-63)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the garden power supply of Chien and website "Stanford Area Trails" by making the body (or housing) from synthetic material such as plastic as

taught by Sooferian, because Sooferian teaches synthetic material such as plastic is one of the appropriate material for making the step stone. (See col. 3 lines 30-40)

4. Claims 10-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien (PGPub 20020003697) in view of Wen et al. (US Patent 4835664) and further in view of Hilton et al. (PGPub 20030121541).

Regarding claims 16 and 12, as seen in Figures 2, 2A, 2C-D, Chien discloses an outdoor lighting which comprises a housing (such as 21 in Figure 2, 31 in Figure 2A, 51 in Figure 2D) having a flat base and interior cavity; rechargeable battery (24 in Figure 2, 34 in Figure 2A, 54 in Figure 2D); a regulator (or circuit 25 in Figure 2, 35 in Figure 2A and 55 in Figure 2D) to control the solar system output voltage; solar cells (23 in Figure 2, 33 in Figure 2A, 53 in Figure 2D) on external surface portion (See paragraphs 0019-0020). Chien also teaches the organic eletro-luminescent element is driven by a direct current from solar cell incorporated with battery (See paragraph 0019), wherein the connection is established by terminals such as pin, plug, press-tight contact, snap-tight contact. (See claims 11 and 16). Chien further teaches one outdoor lighting can supply power to other outdoor lighting as seen in Figure 1A.

Chien does not specifically teach the external surface portion for mounting the solar panel angling upwardly at an angle of about 45°. Nor does he teach the natural rock like appearance for the embodiments in Figures 1A-B, 2, 2A, 2C-D.



Wen teaches a solar lighting device for garden having the external surface portion for mounting the solar panel angling upwardly at an angle of about 45°. (See Figures 1, 5-7).

Hilton et al. teaches a backlighted home identification system power by solar cells (or outdoor lighting device) with a housing (or body) having a rock-like appearance as seen in Figure 19.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the outdoor lighting of Chien by having the external surface portion angling upwardly at an angle of about 45° as taught by Wen, and providing the housing (or body) having a rock-like appearance as taught by Hilton et al., because the Wen teaches the inclining arrangement would obtain the utmost effect of lighting (See col. 1 line 65 to col. 2 line 4) and Hilton et al. teaches the rock-like appearance is for placement in a garden area (See paragraph 0037)

Regarding claims 10-11, Hilton et al. teaches the housing (or body) of the outdoor lighting device made of synthetic material such as plastic. (See paragraphs 0031 or 0038)

Regarding claim 13, Chien discloses the surface portion is flat. (See Figures 2, 2A-2D)

### ***Response to Arguments***

Applicant's arguments with respect to claims 10-13 and 16 have been considered but are moot in view of the new ground(s) of rejection.

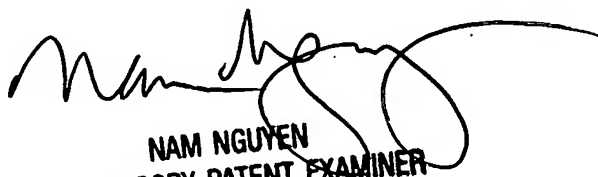
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Truc Trinh whose telephone number is 571-272-6594. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT  
11/26/2007

  
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